

RESOLUTION 1739

A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, ACCEPTING A PERMANENT PUBLIC PATHWAY EASEMENT FROM MIDDLE FORK DEVELOPMENT LLC AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

WHEREAS, Middle Fork Development LLC is developing their property at 46925 Middle Fork Road SE (Lot 1 of King County Short Plat Number 684057) (the “Property”) as a paved storage lot for Genie Industries; and

WHEREAS, North Bend Municipal Code (NBMC) Section 19.05.005 requires street frontage improvements in connection with the development of the Property; and

WHEREAS, the City of North Bend (the City) has authorized Middle Fork Development LLC to provide a 5-foot paved pathway meandering through the existing native vegetation in the public right-of-way fronting the Property, in lieu of conventional street frontage improvements (curb, gutter, planter strip and sidewalk), consistent with policy A-3.d.3,#2 of the City’s Commercial Design Standards and NBMC 19.05.020; and

WHEREAS, to preserve existing trees and vegetation, the paved pathway extends beyond the right-of-way onto the Middle Fork Development LLC property; and

WHEREAS, Middle Fork Development LLC desires to grant, and the City of North Bend desires to accept, a 25-foot-wide easement for public access and for City maintenance and operation of the pathway as the public sidewalk;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. Acceptance of Easement: The City Council of the City of North Bend hereby accepts the easement executed by a duly authorized representative of Middle Fork Development LLC and attached hereto as **Exhibit A** (the “Easement”), and authorizes the Mayor to execute the same.

Section 2. Recording of Easement. The City Clerk shall cause an executed copy of the Easement and a certified copy of this Resolution to be filed at the King County Recorder’s Office, and shall provide a conformed copy of the Easement to Middle Fork Development LLC. The recording fee for the Easement shall be paid for out of the developer deposit for the Middle Fork Development LLC’s development application.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15TH DAY OF
NOVEMBER, 2016.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Effective: November 15, 2016
Posted: November 16, 2016

Susie Oppedal, City Clerk